

Honorable Ronald B. Leighton
U.S. District Judge

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KRISTINE M. NEIDINGER,

NO. C10-5702 RBL

Plaintiff,

vs.

AGREED MOTION FOR
CONTINUANCE OF TRIAL DATE AND
OTHER RELATED DATES

COUNTY OF PIERCE; ELIZABETH
WYATT EARP; RICHARD D. MALIDORE
and LOIS K. MALIDORE and the marital
community thereof; JAMES PATRICK
WILLIAMS and REBEKAH JILL
WILLIAMS and the marital community
thereof; and JULIE McARTHUR and
ALLEN McARTHUR and the marital
community thereof,

Defendants.

I. RELIEF REQUESTED

Come now both parties by and through their attorneys, Michelle Luna-Green for Defendants and Christopher Taylor for Plaintiff, and jointly move the Court for a request to continue the trial date and other related dates. This motion is based on the filings in this matter and the Declarations of Michelle Luna-Green and Christopher Taylor Re: Continuance of Trial Date (Dec. MLG; Dec. CT).

II. FACTS

The Complaint in this matter was filed on September 28, 2010. Dkt. 1. A Minute Order was entered on January 18, 2011, setting a discovery cut-off of September 26, 2011, dispositive motion date of October 25, 2011, and a trial date of January 23, 2012. Dkt 12.

The parties have worked cooperatively to timely finish discovery in this matter. Dec. of MLG at 1. However, due to a caseload reassignment the Defendants will not be prepared for trial by January 23, 2012. Dec. of MLG at 1. Both parties are in agreement that a continuance of the remaining deadlines in this case (from dispositive motion deadline of October 25, 2011, to the trial date of January 23, 2012) would further the ends of justice. Dec. MLG; Dec. CT.

III. ARGUMENT

The parties respectfully request that this Court grant the parties' joint motion for extension of the trial date. The parties to date have complied with all other deadlines of the Court and have worked with a spirit of cooperation in discovery and other matters. The parties believe that a continuance to a date where there are no other trial scheduling conflicts would serve the ends of justice and still ensure a final and prompt resolution of this matter. It is requested that the court reset:

A. **Dispositive Motion, Settlement Conference, Mediation, Motions in Limine, Pretrial Order, Pretrial conference and Proposed Voir Dire, Jury Instructions and Trial Brief deadlines.** The parties request that the Court set the Dispositive Motion deadline approximately 90 days prior to the new trial date and move all remaining deadlines in accordance with that date.

B. Trial Date

The parties propose the Court set a new **TRIAL DATE** of June 11, 2012, or any date thereafter.

IV. CONCLUSION

For the foregoing reasons, the parties ask this Court to CONTINUE the trial date in this matter, and all matters leading up to trial.

DATED this 7th day of October, 2011.

Presented by:

MARK LINDQUIST
Prosecuting Attorney

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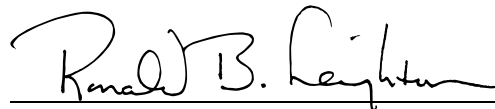
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V. ORDER

IT IS SO ORDERED: All dispositive motions must be FILED by May 27, 2012, Settlement conference per CR 39.1(c)(2) HELD no later than July 26, 2012, Mediation per CR 39.1 (c)(3) HELD no later than Aug 24, 2012, Letter of Compliance as to CR 39.1 FILED by September 1, 2012, Motions in Limine FILED by August 27, 2012, Agreed Pretrial Order OR if counsel requests to dispense with, and the Court approves, Witness and Exhibit Lists are due on September 7, 2012, Pretrial conference will be HELD at 8:30 AM September 14, 2012, Proposed Voir Dire, Jury Instructions, and Trial Briefs by September 7, 2012.

And the **Trial Date** is continued until September 24, 2012 @ 9:00 am.

DONE IN OPEN COURT this 21ST day of October, 2011.



Ronald B. Leighton
United States District Judge